

Bill No. 24-13  
Concerning: Streets and Roads -  
Authorization of Construction -  
Amendments  
Revised: 10-8-13 Draft No. 10  
Introduced: July 30, 2013  
Enacted: October 8, 2013  
Executive: October 16, 2013  
Effective: January 15, 2014  
Sunset Date: None  
Ch. 27, Laws of Mont. Co. 2013

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Berliner, Floreen, and Riemer

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**AN ACT** to:

- (1) require the County Executive to hold a public hearing before authorizing an assessment of costs for constructing a road;
- (2) repeal the requirement that the Executive authorize the construction of a road before beginning construction of the road;
- (3) require the Director of Transportation to hold a hearing to receive comments on the design of a road before beginning construction of the road; and
- (4) generally amend the law governing the construction of streets and roads.

By amending

Montgomery County Code  
Chapter 49. Streets and Roads  
Sections 49-52, 49-53, and 49-54

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



- 28 (5) ~~[[The]]~~ the estimated cost of construction; and
- 29 (6) ~~[[The]]~~ the location of the real property that will be benefited by
- 30 the construction.
- 31 (c) A summary of the notice provided for in ~~[[this Section]]~~ subsection (a)
- 32 must be published twice in a newspaper of general circulation in the
- 33 County before the scheduled date of the hearing. The summary must
- 34 tell where a full copy of the notice may be obtained.
- 35 (d) Before beginning construction of any road, the Director of
- 36 Transportation or the Director’s designee must hold a public hearing to
- 37 receive comments on the proposed design of the road.
- 38 ~~[[d]]~~ (e) ~~[[A public hearing]]~~ The Director need not ~~[[be held]]~~ hold a hearing
- 39 under ~~[[this Section]]~~ subsection (d) before a sidewalk or shared use
- 40 path is constructed if:
- 41 (1) the sidewalk or path can be constructed entirely in one or more
- 42 existing public rights-of-way without a detailed engineering
- 43 design;
- 44 (2) (A) a civic association, homeowner’s association, or other
- 45 organization, which includes a substantial number of
- 46 owners of property located on the proposed route of the
- 47 sidewalk or path, has filed a notice of its support for the
- 48 sidewalk or path with the Executive or a designee; or
- 49 (B) if no such organization has filed a notice of support, a
- 50 petition signed by a majority of owners of property located
- 51 on the proposed route of the sidewalk or path has been
- 52 filed with the Executive or a designee; and
- 53 (3) the Executive finds, after the Executive’s designee has given
- 54 notice to and met with residents of the area, that no significant

55 controversy has arisen that would require a public hearing to be  
56 held.

57 **49-54. Authorization of an assessment of costs for construction;**  
58 **recommendation of assessments to Council.**

- 59 (a) If, after the hearing[[, if any,]] required by Section 49-53(a) is held, the  
60 [County] County Executive finds that the public interest requires [all or  
61 part of any road construction project] the assessment under  
62 consideration to be carried out, the Executive must authorize the [road  
63 to be built] assessment as required in this Chapter.
- 64 (b) As soon as practicable after the Executive authorizes [the road] an  
65 assessment of costs for road construction under this Section, [[and after  
66 the hearing, if required, is held under Section 49-53,]] the [County]  
67 Executive must forward to the [County] County Council a written report  
68 recommending any proposed assessments based on the estimated cost of  
69 building the road. The report must describe the work to be done and  
70 state, with particularity, what portion of the cost of the construction, if  
71 any, should be paid by the adjacent properties and what portion, if any,  
72 of the cost should be paid by the County under this Chapter.
- 73 (c) The recommendations must be based on the actual costs of publishing  
74 notices, conducting hearings, advertising for bids, and engineering, and  
75 the anticipated costs of financing to be incurred before the Council  
76 adopts the assessment resolution. Each cost assessment must be  
77 computed on the basis of linear frontage of adjacent properties, except  
78 as otherwise provided in this Chapter. The report must also estimate the  
79 dollar amount of the cost share to be paid by adjacent properties.

